

# **Notice of Allowability**

Application No.

09/688,213

Examiner

Toan D. Nguyen

Applicant(s)

VOIT ET AL.

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/28/05.
2. ☒ The allowed claim(s) is/are 1-9, 17, 25-28 are renumbered 1-14, respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## **Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                  |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>11/28/05</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                         |
|   | 9. <input type="checkbox"/> Other _____  |

### DETAILED ACTION

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Joseph R. Palmieri on November 28, 2005.

2. The application has been amended as follows:

#### **IN THE CLAIMS:**

In claim 2 line 1, the limitation "A system" has been replaced by --- The system --  
-. Similar problems exist in claim 3 line 1, claim 4 line 1, claim 5 line 1, claim 6 line 1, claim 7 line 1, claim 8 line 1, claim 9 line 1, claim 26 line 1, claim 27 line 1, and claim 28 line 1.

In claim 5 line 2, the limitation "customer remises equipment" has been replaced by --- customer premises equipment ---.

In claim 7 line 2, the limitation "at least one state" has been replaced by --- said at least one state ---.

In claim 7 line 3, the limitation "a server" has been replaced by --- said server ---.

In claim 7 line 4, the limitation "customer premises equipment" has been replaced by --- said customer premises equipment ---.

In claim 8 line 2, the limitation "at least one state" has been replaced by --- said at least one state ---.

In claim 8 line 3, the limitation "customer premises equipment" has been replaced by --- said customer premises equipment ---.

In claim 9 line 2, the limitation "at least one state" has been replaced by --- said at least one state ---.

The above examiner's amendment was made to clarify the claims.

***Allowable Subject Matter***

3. The following is an examiner's statement of reasons for allowance:

Regarding claims 1 and 25, the prior art fails to teach a combination of the step of:

a local services network coupled locally to said access switch, wherein said access switch segregates upstream traffic from the respective customer premises equipment between said local services network and said high-speed data link to said communication access node, and said access switch aggregates downstream traffic from said local services network and said high speed data link from said communication access node for transmission to the respective customer premises equipment, in the specific combination as recited in the claims.

Regarding claim 17, the prior art fails to teach a combination of the step of:

wherein the access switch segregates upstream traffic from the respective customer premises equipment between the local services network and the high-speed data link to the communication access node, and the access switch aggregates downstream traffic from the local services network and the high-speed data link from the

communication access node for transmission to the respective customer premises equipment, in the specific combination as recited in the claim.

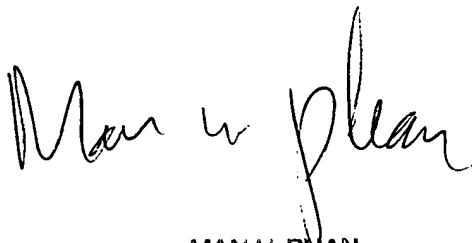
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan D. Nguyen whose telephone number is 571-272-3153. The examiner can normally be reached on M-F (7:00AM-4:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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MAN U. PHAN  
PRIMARY EXAMINER